

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 15297 of 2005

Between:

Nandimetla Madhumathi, W/o.N.Goverdhan,
R/o.15-11-203,Ramanna Pet, Warangal ,

Warangal district.

..... PETITIONER

AND

1 The Commissioner, Warangal Municipal Corporation,

Warangal, Warangal district.

2 The Town Planning Officer,

Warangal Municipal Corporation,

Warangal, Warangal district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents in contemplating to demolish the petitioner's residential house bearing No.15-11-203 situated at Ramannapet, Warangal, as illegal, arbitrary and Violative of Article 14, 21 and 300-A of the Constitution of India and consequential direct the respondents not to demolish the petitioners house and pass such other order or orders.

Counsel for the Petitioner: MR.MURALIDHAR REDDY KATRAM

Counsel for the Respondent Nos.1 and 2: MR.V.DURGA NAGESWARA RAO

The Court at the stage of admission made the following:

ORDER:

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This writ petition is filed seeking a Mandamus, declaring the action of the respondents in contemplating to demolish the petitioner's residential house bearing No.15-11-203, situated at Ramannapet, Warangal, without initiation of proceedings under Land Acquisition Act and without following the due process of law, as illegal and arbitrary.

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondent Municipality.

The learned counsel for the petitioner contended that the petitioner is the absolute owner of the house property mentioned in the writ petition and he has not encroached any Government site. It is his further contention that without initiating land acquisition proceedings, and without issuing any notice, the respondents are trying to demolish the house of the petitioner in the process of road widening.

On the other hand, the learned standing counsel for the respondent Municipality contended that on mere apprehension only, the petitioner filed this writ petition, and the respondents have not been taken any steps for demolition of the house of the petitioner.

The Division Bench of this Court in ***P.Lakshmana Rao v. Executive Officer*** issued certain guidelines to be followed by the authorities in acquiring the properties of public for the purpose of widening roads. When a property is required for public purpose viz., for widening of roads or for any other purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and

attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanations, the authorities shall pass appropriate orders, if necessary.

Following the guidelines issued by this Court in the above referred judgment, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to take any steps for demolition of the house of the petitioner without following due procedure, without initiating land acquisition proceedings and without making any negotiations with the petitioner.

The Writ Petition is, accordingly, disposed of. No order as to costs.

ELIPE DHARMA RAO,J

Dated: 14.07.2005

Dsr

Note:

Issue CC by tomorrow

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Commissioner,
Warangal Municipal Corporation,
Warangal, Warangal District

2. The Town Planning Officer,
Warangal Municipal Corporation,

Warangal, Warangal District

3. Two CD copies

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